

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q93058

Shinya KUSUDA, et al.

Appln. No.: 10/567,363

Group Art Unit: Not yet assigned

Confirmation No.: 2292

Examiner: Not yet assigned

Filed: February 6, 2006

For: DIPHENYL ETHER COMPOUND, PROCESS FOR PRODUCING THE SAME, AND
USE

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in regard to the NOTICE OF DEFECTIVE RESPONSE, dated May 6, 2010, issued in the above-referenced patent application.

In the Notice of Defective Response, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 for the following reasons:

- Application did not submit a statement that the sequence information in the paper or compact disc copy of the sequence listing is identical to the sequence information in the computer readable form of the other application.

In response, Applicants respectfully submit that

- Sequence Listing in computer readable form (CRF) and a paper copy, and a Statement that the sequence information in the paper is identical to the sequence information in CRF were

submitted on February 6, 2006; and it is noted that the sequence was entered on February 13, 2006 according to PAIR.

- A copy of Sequence Listing in paper form was inadvertently included in a Response filed September 7, 2006 in response to Notice of Missing Requirement.

In further response to the Notice, Applicant submit herewith a Sequence Listing which contains updated application information, both in CRF and paper form as well as a Statement that the sequence information contained in paper form is identical to the sequence information in the CRF, and well as the sequence listing does not contain any new matter. Also, Applicants request the specification be amended to include the sequence information.

Applicants assert that this Response to the Notice of Defective Response and the enclosures are being timely filed on June 7, 2010, as June 6, 2010 was a Sunday, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Applicants respectfully request that the Examiner acknowledge that the substitute Sequence Listing meets the requirements of 37 C.F.R. §§1.821-1.825 and that the Examiner enter the substitute Sequence Listing.

In addition, the Notice of Defective Response states that processing fee of \$130 for providing the translation of the application should be paid.

In response, Applicant pay the required \$ 130 through EFS page.

RESPONSE TO NOTICE TO COMPLY
U.S. Application No.: 10/567,363

Attorney Docket No.: Q93058

Applicants respectfully submit that this Response addresses all issues raised in the Notice of Defective Response and its entry is requested.

Respectfully submitted,

/Sunhee Lee/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Sunhee Lee
Registration No. 53,892

Date: June 7, 2010